

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

MATTHEW NELSON TUNSTALL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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1:24-CV-95-RP  
[1:21-CR-223(1)]

**ORDER**

Before the Court is Petitioner Tunstall’s (“Tunstall”) Amended Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody. (Dkt. 165). Tunstall filed his motion on May 8, 2024. (*Id.*). The case was referred to United States Magistrate Judge Dustin Howell for findings and recommendations, pursuant to 28 U.S.C. § 636(b). Judge Howell filed his report and recommendation on October 24, 2024. (Dkt. 169). In his report and recommendation, Judge Howell recommends that the Court deny Tunstall’s motion. (*Id.* at 1). Tunstall filed objections to the report and recommendation. (Dkt. 172).

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Tunstall objected to each portion of the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Tunstall’s objections and adopts the report and recommendation as its own order.

Accordingly, **IT IS ORDERED** that the report and recommendation of United States Magistrate Judge Dustin Howell, (Dkt. 169), is **ADOPTED**. Tunstall’s Amended Motion Under 28

U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody, (Dkt. 165),  
is **DENIED**.

It is **FURTHER ORDERED** that a certificate of appealability is **DENIED**.

**SIGNED** on November 20, 2024.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written above a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE